

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BLEAKLEY PLATT & SCHMIDT, LLP

One North Lexington Avenue

White Plains, New York 10601

(914) 949-2700

Attorneys of Record for Defendants:

Joseph DeGiuseppe, Jr. (JD 6376)

Michael P. Benenati (MPB 9669)

-----X  
JOHN W. BUCKLEY,

Plaintiff,

Case No. 07 Civ. 6775  
(SCR) (GAY)

-against-

-PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION, PHILIPS SEMICONDUCTOR  
MANUFACTURING, INC., NXP  
SEMICONDUCTORS AND PHILIPS  
ELECTRONICS NORTH AMERICA DEFINED  
BENEFIT PENSION PLAN,

**DEFENDANTS NOTICE OF  
MOTION TO DISQUALIFY  
PLAINTIFF'S COUNSEL**

Defendants.

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To: Christopher A. D'Angelo, Esq.  
VANDENBERG & FELIU, LLP  
*Attorneys for Plaintiff*  
110 East 42<sup>nd</sup> Street, Suite 1502  
New York, New York 10017  
(212) 763-6800

**PLEASE TAKE NOTICE**, that pursuant to the briefing schedule "so ordered" by the Court, the undersigned hereby moves this Court for an Order, granting the Motion of Defendants NXP Semiconductors USA, Inc., Philips Semiconductors Manufacturing Inc. and Philips Electronics North America Corp. (collectively the "Defendants") to disqualify Plaintiff's counsel, Christopher A. D'Angelo, Esq., and his firm Vandenberg & Feliu, LLP, on the grounds that he "ought to be called as a witness" in the above-cited litigation pursuant to the mandate of

Disciplinary Rule ("DR") 5-102(A) of the New York Lawyer's Code of Professional Responsibility.

**PLEASE TAKE FURTHER NOTICE**, that in support of the instant motion, Defendants hereby submit the following documents, together with the exhibits attached thereto: (1) Affidavit of John K. Skrypak, sworn to August 22, 2008, in Support of Defendants' Motion to Disqualify Plaintiff's Counsel; (2) Affidavit of Joseph DeGiuseppe, Jr., sworn to August 26, 2008, in Support of Defendants' Motion to Disqualify Plaintiff's Counsel; and (3) Memorandum of Law, dated August 26, 2008, in Support of Defendants' Motion to Disqualify Plaintiff's Counsel.

-Dated: White Plains, New York  
August 26, 2008

BLEAKLEY PLATT & SCHMIDT, LLP

By: 

Joseph DeGiuseppe, Jr. (JD6376)  
Attorneys for Defendants  
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